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Petitioner in Pro Se

FILED
JUL - 1 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FREDERICK LEE BAKER,

Plaintiff,

v.

JAMES DAVIS, Chairman,
BOARD OF PAROLE HEARINGS; SUSAN
FISHER, ARCHIE BIGGERS, SANDRA
BRYSON, ROBERT DOYLE, JANICE ENG,
JACK GARNER, EDWARD MARTINEZ,
MICHAEL PRIZMICH, LINDA SHELTON,
ROLANDO MEJIA, DANIEL MOELLER,
and ARTHUR ANDERSON, Commissioners;
SANDRA MACIEL, Staff Services
Manager I, BPH Decision Processing
and Scheduling Unit, et. al.,

Defendants.

Case No: CV 07-6289 CW (PR)

DECLARATION IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION

I, Frederick Lee Baker, declare:

1. That I am the plaintiff in the above entitled action.

I submit this declaration in support of a preliminary injunction
to ensure that my Constitutional rights to Due Process are
adequately protected. If sworn as a witness, I would
competently testify to the facts contained herein because they
are within my personal knowledge.

ORIGINAL

2. That I have appeared before the Board of Prison Terms eight times and that at each hearing the panel generated a BPT-1000(a) or (b) worksheet and incorporated its findings and supporting reasons from that document into the recording device.

3. That on September 24, 2004, I appeared before a Board panel for my seventh subsequent parole consideration hearing (in which panel generated a BPT-1000(b) worksheet) and was found suitable for parole.

4. That on December 14, 2004, the finding of suitability was overturned by an En Banc Board because the hearing panel destroyed the BPT-1000(b) worksheet form and the Board staff failed to provide the transcriber with the second tape.

5. On January 27, 2005 and August 8, 2005, I informed the defendants of these violations via their attorney in the form of habeas corpus and informal pleadings. I have also placed a copy of these papers and a complaint in the institutional mail to the defendants. I have also served the Attorney General. Because of the urgency of the situation, set forth in paragraph 7, *infra*, no further efforts at notice should be required.

6. That on January 31, 2007, Board Staff Services Manager Sandra Maciel declared that the Board routinely destroyed the BPT 1000(b) worksheets during the normal course of business.


7. That on June 13, 2008, I was informed by correctional counselor M. Terry, that the Board has scheduled me to appear before them on October 17, 2008.

8. That a Preliminary Injunction is necessary to prevent any additional irreparable harm to me.

11. That the defendants and those in privity with them will continue their torturous conduct if not enjoined.

I declare under the penalty of perjury that the foregoing is true and correct.

Signed this 29th day of June, 2008.


Frederick Lee Baker, Declarant